

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 BASKIM HOLDINGS, INC.,

5 Plaintiff,

6 v.

7 TWO M, INC. and OMAR ALDABBAGH,

8 Defendants.  
9

Case No. 2:16-cv-01898-APG-GWF

**ORDER REJECTING THE PARTIES'  
PROPOSED JOINT PRE-TRIAL  
ORDER**

(ECF No. 142)

10 The parties' proposed Joint Pretrial Order (ECF No. 142) does not comply with Local  
11 Rules 16-3 and 16-4. For example, both parties list what appears to be every document they  
12 produced. ECF No. 142 at 9-22. While the plaintiff's exhibit list contains 501 pages, the  
13 defendants' list contains nearly 16,000 pages. Despite these voluminous lists, the parties insist  
14 that the trial will last only three-to-four days. *Id.* at 30. That is impossible. Clearly the parties (or  
15 at least the defendants) have not bothered to think about the exhibits they actually intend to use at  
16 trial. The defendants also have not objected to any of the plaintiff's proposed exhibits, which  
17 suggests those exhibits should be stipulated into evidence.

18 Next, the defendants' witness list includes several "PMK" witnesses, referring to "Person  
19 Most Knowledgeable" at an entity. *Id.* at 29-30. The plaintiff understandably objects to these  
20 improper designations. *Id.* at 28, n.4. The defendants should know by now the names of the  
21 witnesses they intend to present at trial. If those witnesses were not identified during discovery,  
22 they cannot be called at trial.

23 The defendants have listed several deposition transcripts they intend to use at trial, but  
24 they do not designate the portions of those transcripts they will use, as required by Local Rule 16-  
25 3(b)(10). This makes it impossible for the plaintiff to object as required by Local Rule 16-  
26 3(b)(11).  
27  
28

1 Local Rules 16-3 and 16-4 are designed to streamline the trial preparation and  
2 presentation, and to foster settlement. The parties cannot simply wait to make trial decisions until  
3 the eve of trial. If they do, they cannot fully participate in settlement discussions. It is apparent  
4 from the proposed Joint Pretrial Order that the defendants ignored the spirit, purpose, and  
5 language of Local Rule 16-3. The proposed order will be rejected. The parties shall submit a  
6 new proposed joint order. If the defendants fail to comply Local Rules 16-3 and 16-4, then  
7 sanctions will be imposed against them.

8 IT IS ORDERED that the parties' Joint Pretrial Order (**ECF No. 142**) is **REJECTED**.  
9 The parties shall personally confer as required in Local Rule 16-3, and submit a Joint Pretrial  
10 Order that complies with Local Rule 16-4 within 14 days of entry of this Order.

11 DATED this 20th day of April, 2018.



---

13 ANDREW P. GORDON  
14 UNITED STATES DISTRICT JUDGE  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28